

USDA Foreign Agricultural Service

# GAIN Report

Global Agricultural Information Network

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## Canada

**Post:** Ottawa

### Canada Opens Comment Period for Proposed “Safe Food for Canadians Regulations”

**Report Categories:**

FAIRS Subject Report

Policy and Program Announcements

Sanitary/Phytosanitary/Food Safety

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**Report Highlights:**

On January 20, 2017 Canadian Food Inspection Agency opened a 90-day comment period for the proposed “Safe Food for Canadian Regulations,” following their publication in the Canada Gazette Part I. Stakeholders are encouraged to review the proposed regulations and provide comments by April 21, 2017 to the Canadian Food Inspection Agency.

The Canadian Food Inspection Agency (CFIA) published the proposed “Safe Food for Canadian Regulations” in the Canada Gazette Part I, and opened a 90-day comment period.

The draft regulations can be found here:

<http://www.gazette.gc.ca/rp-pr/p1/2017/2017-01-21/html/reg1-eng.php>

Stakeholders are encouraged to analyze these proposed regulations and provide comments by **April 21, 2017**.

Comments must cite the Canada Gazette Part I and the date of publication of the notice (which is January 21, 2017), and be addressed to:

**Richard Arsenault, Executive Director,  
Domestic Food Safety Systems & Meat Hygiene Directorate  
Canadian Food Inspection Agency  
1400 Merivale Road, Tower 1  
Ottawa, Ontario K1A 0Y9  
tel.: 613-773-6156  
email: [CFIA-Modernisation-ACIA@inspection.gc.ca](mailto:CFIA-Modernisation-ACIA@inspection.gc.ca).**

After the 90-day comment period, the CFIA will review the comments and may incorporate changes into the **final** regulations which would be published in Canada Gazette Part II.

### **Key food safety elements**

According to the CFIA, the proposed Regulations would establish three key food safety elements:

- (1) **Licenses:** Under the proposed Regulations, licenses would be required for food importers, for persons (e.g. food businesses) preparing food for export or for interprovincial trade, with some exceptions (as described in the section “Exceptions and Exemptions”), and for persons slaughtering food animals from which meat products for export or interprovincial trade may be derived. License applications would require certain information from the applicant regarding their identity (e.g. business name) and business activities, which would inform risk-based oversight. The proposed license would be valid for a period of two years for a fee of approximately \$250, and could be suspended or cancelled in cases of non-compliance. Regulated parties would be able to apply for one or multiple licenses.
- (2) **Traceability:** The proposed Regulations would apply the international standard for traceability established by Codex to persons importing, exporting and interprovincially trading food, as well as to other persons holding a license issued under the SFCA, and to growers and harvesters of fresh fruits or vegetables that are to be exported or traded interprovincially. Electronic or paper records would be required to be prepared and kept in order to track food forward to the immediate customer (e.g. a retailer or another food business) and backwards to the immediate supplier (i.e. one step forward, one step back along the supply chain). Retailers would not be required to trace forward their sales to consumers.

The proposed Regulations would require that traceability information be provided, upon the Minister's request, within 24 hours, or some shorter period, if the information is considered necessary to identify or respond to a risk of injury to human health, or some longer period if the information is not considered necessary for a recall that is or may be ordered. The information would need to be provided in French or in English and, where electronic, in a format that could be imported and manipulated by standard commercial software. The information would need to be accessible in Canada.

(3) **Preventive controls and preventive control plan (PCP):** The proposed Regulations would require food subject to the Regulations and activities (e.g. importing, preparing meat products for export or interprovincial trade) to meet food safety requirements and that those activities be conducted in a manner that is consistent with internationally recognized agricultural and manufacturing practices (i.e. GAPs, GMPs and HACCP). The proposed Regulations would address the following key preventive control elements:

- sanitation, pest control, and non-food agents;
- conveyances and equipment;
- conditions respecting establishments;
- unloading, loading and storing;
- competency (i.e. for staff);
- hygiene;
- communicable diseases and lesions; and
- investigation and notification, complaints and recall.

In addition to the three key food safety elements, certain commodity-specific requirements for food safety would remain in place where appropriate. For example, the current regulations require imported meat products to be sourced from a country with an inspection system that is approved by the Minister under the MIA. This requirement would be maintained in the proposed Regulations.

### **Exceptions and exemptions**

According to CFIA, based on an analysis of the food safety risk, an exception and several exemptions are set out in the proposed Regulations.

An **exception** from the written PCP requirements is proposed for some regulated parties that generate \$30,000 or less in annual gross food sales (i.e. micro-sized businesses). This exception would not apply to regulated parties that slaughter food animals from which meat products for export or inter-provincial trade are derived, or that prepare meat products, dairy products, fish, eggs, processed egg products, or processed fruits and vegetables, or if an export certificate is requested.

**Exemptions** from licensing, preventive controls, and written PCP requirements are also proposed, unless an export certificate is requested, for

- alcoholic beverages
- food additives
- some unprocessed foods that will be further prepared (e.g. grains, oilseeds, pulses and other foods such as green coffee beans and hops); these foods must be labelled with the words "For

Further Preparation Only”, and may not be prepackaged food for consumers. These foods are listed in a schedule to the proposed Regulations.

The proposed Regulations would also include certain exemptions similar to those that exist in current federal regulations, such as food for personal use, food carried on any conveyance that is intended for the crew or passengers, or food for analysis, evaluation, research, or a food exhibition provided that the food is part of a shipment that weighs 100 kg or less or, in the case of eggs, is part of a shipment of five or fewer cases. Food that passes only in transit through Canada is also proposed to be exempt, provided the shipment travels in bonds.

Importation of non-compliant food or interprovincial trade of non-compliant food to be subsequently brought into compliance (e.g. through relabeling the food) would be permitted provided that the food is imported by a license holder, is clearly labelled with “For Further Preparation Only” and is brought into compliance within three months from the day on which it was imported or traded interprovincially, unless a longer time period is granted by the Minister.

### **Implementation**

The CFIA is proposing a phased approach for the coming into force of the proposed Regulations that reflects the different levels of industry readiness and the concerns of small businesses.

Table 1 provides an overview of the phased implementation.

**Table 1. Overview of phased implementation timelines**

**Source: CFIA 2017**

	<i>Meat, Fish, Eggs, Processed Egg, Dairy, Processed Products, Honey, Maple products</i>	<i>Fresh Fruits and Vegetables</i>	<i>All Other Foods (see footnote 16)</i>		
			<i>&gt;\$30K and ≥5 Employees</i>	<i>&gt;\$30K and &lt;5 Employees</i>	<i>≤\$30K</i>
<i><b>Licence</b>(see footnote 19)</i>	<i>Immediately</i>		<i>+ 2 years</i>	<i>+ 2 years</i>	<i>+ 2 years</i>
<i><b>Traceability</b></i>	<i>Immediately (+1 year for growers and harvesters of fresh fruits and vegetables)</i>		<i>+ 2 years</i>	<i>+ 2 years</i>	<i>+ 2 years</i>
<i><b>Preventive controls</b>(see footnote 20)</i>	<i>Immediately</i>	<i>+ 1 year</i>	<i>+ 2 years</i>	<i>+ 3 years</i>	<i>+ 3 years</i>
<i><b>Written PCP</b>(see footnote 21)</i>	<i>Immediately</i>	<i>+ 1 year</i>	<i>+ 2 years</i>	<i>+ 3 years</i>	<i>Not required(see footnote 22)</i>